

RESOLUTION NO. 2021-117-3239

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE
ESTABLISHING THE BENEFITS FOR UNREPRESENTED UNCLASSIFIED
NONPERMANENT AND PERMANENT PART-TIME AT-WILL CITY
EMPLOYEES**

WHEREAS, Article VIII, Section 803 of the City Charter requires the City Council to establish by resolution salaries and other forms of compensation for all City employees; and

WHEREAS, Section 2.12.010 of the Irwindale Municipal Code requires that the offices and positions in the City employment be fixed and established by resolution of the City Council; and

WHEREAS, Section 2.12.020 of the Irwindale Municipal Code requires that the salaries and compensation of officers and employees of the City be fixed and determined by resolution of the City Council; and

WHEREAS, a number of unaffiliated and/or unrepresented unclassified at-will nonpermanent and permanent part-time employees rely on the City Council to provide an appropriate compensation and benefit system; and

WHEREAS, to facilitate administration and in accordance with applicable laws and regulations, the City Council desires to adopt Resolution No. 2021-117-3239, establishing the benefits for at-will part-time City employees, and to supersede Resolution No. 2021-53-3265.

NOW, THEREFORE, the City Council of the City of Irwindale hereby resolves, determines and orders as follows:

SECTION 1. Applicability to other Governing Documents.

This Resolution shall supersede Resolution No. 2021-53-3265. This Resolution shall also take the place of all existing resolutions or orders of the City Council as they relate to the subject matter contained herein.

In the event that any provision of this Resolution is in conflict with the City's Personnel Rules or other policies, this Resolution shall supersede and govern the City's policies and practices with regard to unrepresented and/or unaffiliated employees.

SECTION 2. Compensation Schedules.

The compensation ranges for unaffiliated and/or unrepresented unclassified at-will nonpermanent and permanent part-time employees shall be as reflected in the City's then-current Compensation Resolution.

SECTION 3. Benefits Applicable to At-Will Permanent Part-Time Employees.

Unless otherwise stated herein, the benefits for all at-will permanent part-time employees of the City of Irwindale, who are unaffiliated and/or unrepresented and unclassified, shall be as follows:

- A. SICK LEAVE. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees shall be eligible for sick leave in accordance with the City's Personnel Rule 14.20 beginning on the 90th day of employment. Sick leave will not be considered hours worked for purposes of overtime calculation.

Sick leave accrual and pay back are as follows:

1. SICK LEAVE ACCRUAL. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees shall be credited with 3.693 hours of sick leave bi-weekly per the City's Personnel Rule 14.20.3.
2. SICK LEAVE CONVERSION. Employees who elect to convert accrued sick leave to compensation as provided for herein shall be limited to a maximum of one hundred (100) total hours per fiscal year of accrued sick leave to be converted, and in compliance with the Department of Treasury, Internal Revenue Service (IRS) Section 1.451-1(a), must comply with the following:
 - a. Any sick leave conversion request must be made in writing using the form provided by Human Resources and must be received by Human Resources no later than December 15 of the calendar year prior to the end of the calendar year in which the employee wishes to convert vacation or sick leave.
 - b. All sick leave conversion elections are irrevocable and cannot be changed or amended unless rescinded and received in writing by Human Resources no later than December 15 of the calendar year prior to conversion.
 - c. Employees who fail to submit an election by December 15 of the calendar year prior to the conversion will not be eligible for sick leave converted to cash for that calendar year.
 - d. Payments for accrued sick leave conversion to cash shall be made by separate check four times a year (first pay period in September, December, March, and June).
 - e. Employees may not convert sick leave in an amount that shall reduce their sick leave balance to less than 80 hours.

Sick leave payments upon termination or periodic conversion request will be provided as follows:

25%	over 800 hours
50%	481-800 hours
75%	1 st 480 hours

- B. EDUCATION INCENTIVE. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees will receive the following education incentive bonus in addition to their base compensation:

AA/AS degree or Junior Year Status at Four Year College or Higher: \$1,200/year
BA/BS degree: \$1,500/year
MA/MS degree: \$1,800/year

To be eligible for these benefits, the coursework and/or degrees must be from an institution accredited by an agency recognized by the California Department of Education, U.S. Department of Education or Council for Higher Education Accreditation.

This incentive will be paid out over twenty-six (26) bi-weekly pay periods in a calendar year.

- C. BILINGUAL BONUS PAY. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees shall be paid bilingual pay at a rate of fifty cents (\$0.50) per hour upon passing a verbal bilingual exam. The employee may take a bilingual exam when hired or twice a year when the City offers bilingual exams. Bilingual bonus pay will be paid per pay period to those employees who prove proficient in Spanish and/or American Sign Language, and are required to use such languages during the course of City business. The City shall determine qualification requirements and the appropriate exam.
- D. ANNUAL SERVICE AWARD PAY. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees shall be entitled on each qualifying employee's fifth (5th) consecutive employment year to "Annual Service Award" pay of ten dollars (\$10.00) for each year worked, which shall be paid in December of the qualifying year at the Annual Employee Service Award Reception. If there is no reception planned for the year, the service award will be paid in conjunction with the first paycheck in December of the qualifying year.
- E. PARS MEMBERSHIP. Pursuant to Government Code §§ 53216 et seq., the City participates in the Public Agency Retirement Services (PARS) Retirement Enhancement Plan, which affords unaffiliated and/or unrepresented unclassified at-will permanent part-time employees additional retirement benefits commonly referred to as "1% at 55." The City pays on behalf of each eligible employee an amount sufficient to pay the full cost of the PARS retirement enhancement benefit. The City's participation in PARS is in addition to, and not in lieu of, the City's participation in the CalPERS program identified in Section 5. F.
 - 1. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees hired before January 1, 2007:
 - a. Employees shall individually pay a PARS contribution rate of four-tenths percent (0.4%) of salary.
 - b. PARS benefits are vested after completing three (3) years of continuous employment with the City and service credit shall be given for previous employment with/by other agencies and/or cities.
 - 2. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees hired After January 1, 2007:
 - a. Employees shall individually pay a PARS contribution rate of four-tenths percent (0.4%) of salary.
 - b. PARS benefits are vested after ten (10) years of continuous employment with the City and no service credit shall be given for previous employment with/by other agencies and/or cities.
 - 3. Unaffiliated and/or unrepresented unclassified at-will permanent part-time employees hired After January 1, 2011:

- a. Employees shall individually pay a PARS contribution rate of fifty percent (50%) of the amount sufficient to pay for the cost of the PARS retirement enhancement benefit.
- b. PARS benefits are vested after ten (10) years of continuous employment with the City and no service credit shall be given for previous employment with/by other agencies and/or cities.

All unaffiliated and/or unrepresented unclassified at-will permanent part-time employees hired on or after January 1, 2013 are ineligible to participate in the PARS program.

F. CalPERS MEMBERSHIP. The City is a contract member of the California Public Employees' Retirement System ("CalPERS"). Such membership shall be maintained and employee eligibility, classification, contributions, and benefits are as prescribed in the contract between the City and CalPERS heretofore approved by the City Council. The City does not elect and shall not be required to pay any part of employee member contributions known informally as Employer Paid Member Contributions (EPMC) as allowed under Government Code Section 20691. Accordingly, each employee shall pay the entire member contribution required under the City's benefit formula as set forth below.

1. Tier I Miscellaneous (unaffiliated and/or unrepresented unclassified at-will permanent part-time employee hired prior to January 1, 2011 and determined to be a "classic member" by CalPERS)
 - a. 2% @ 55 retirement benefit formula
 - b. Fourth Level of 1959 Survivors Program
 - c. Military Service as Public Service
 - d. One-Year Final Compensation: Final compensation is the average full-time monthly pay rate for the highest twelve (12) consecutive months
 - e. Improved non-industrial disability allowance
 - f. Post-retirement survivor allowance
 - g. Credit for unused sick leave
2. Tier II Miscellaneous (unaffiliated and/or unrepresented unclassified at-will permanent part-time employee hired on or after May 1, 2011, and determined to be a "classic member" by CalPERS)
 - a. 2% @ 55 retirement benefit formula
 - b. Fourth Level of 1959 Survivors Program
 - c. Military Service as Public Service
 - d. Three-year Final Compensation: Final compensation is the average full-time monthly pay rate for the highest thirty-six (36) consecutive months
 - e. Improved non-industrial disability allowance
 - f. Post-retirement survivor allowance
 - g. Credit for unused sick leave
3. Tier III (PEPRA) Miscellaneous (unaffiliated and/or unrepresented unclassified at-will permanent part-time employee hired on and after January 1, 2013, deemed to be a "new member" as defined in Government Code § 7522.04)
 - a. 2% @ 62 retirement benefit formula
 - b. Fourth Level of 1959 Survivors Program

- c. Military Service as Public Service
 - d. Three-year Final Compensation: Final compensation is the average full-time monthly pay rate for the highest thirty-six (36) consecutive months
 - e. Improved non-industrial disability allowance
 - f. Post-retirement survivor allowance
 - g. Credit for unused sick leave
 - h. Employee shall individually pay a CalPERS contribution rate of 50% of the normal cost rate for the Defined Benefit Plan in which said "new member" is enrolled, rounded to the nearest quarter of 1%, or the current contribution rate of similarly situated employees, whichever is greater.
- G. RETIREE MEDICAL. CalPERS eligible retirees who were hired before January 1, 2011, and who retire from the City as a CalPERS-eligible retiree shall receive one hundred percent (100%) lifetime medical insurance upon retirement from the City. The City shall pay one hundred percent (100%) of the premium for any CalPERS medical plan, inclusive of eligible dependents as defined by CalPERS, so long as employee remains eligible for CalPERS medical coverage. For all new employees hired on or after January 1, 2011, retiree medical will be implemented in accordance with the CalPERS Health Benefit Vesting Resolution No. 2010-49-2479 which mirrors the state plan for contribution levels. The resolution requires ten (10) years of service, five (5) years of which is with Irwindale, for fifty percent (50%) contribution of state designated amount towards retiree medical premium and twenty (20) years of service, five (5) years of which is with Irwindale, for one hundred percent (100%) contribution of state designated amount towards retiree medical premium for any CalPERS medical plan.
- H. DIRECT DEPOSIT REQUIREMENT. The City shall maintain a mandatory requirement for participation in payroll direct deposit for all employees hired after July 8, 2001.
- I. MEDICAL BENEFITS. Medical benefits shall be under the CalPERS medical program. The City pays one hundred percent (100%) of the premium for any CalPERS medical plan for unaffiliated and/or unrepresented unclassified at-will permanent part-time employees and their eligible dependents as defined by CalPERS.
- J. DENTAL BENEFITS. The City pays one hundred percent (100%) of the premium for one of two dental plans offered by the City for unaffiliated and/or unrepresented unclassified at-will permanent part-time employees and their eligible dependents. The City reserves the right to unilaterally change plans, plan administrators or insurance companies as long as any new plan affords equal or greater benefit coverage.
- K. VISION BENEFITS. The City pays one hundred percent (100%) of the premium for a vision plan for unaffiliated and/or unrepresented unclassified at-will permanent part-time employees and their eligible dependents. The City reserves the right to unilaterally change plans, plan administrators or insurance companies as long as any new plan affords equal or greater benefit coverage.
- L. MEDICAL, DENTAL, AND VISION INSURANCE PREMIUM OPT-OUT. Any eligible unaffiliated and/or unrepresented unclassified at-will permanent part-time employee who elects to opt-out of medical, dental & vision coverages offered by the City will be paid a cash benefit in lieu of said coverage equal to one half (1/2) of the average monthly cost to the City for single employee medical insurance coverage only (not including dental or vision), provided such employee can demonstrate, to the satisfaction of the City, that he/she has opted out of all three coverages and can demonstrate to the satisfaction of the

City, that such employee has substantially equivalent medical coverage through some other insurance plan, which plan shall remain in full force and effect during the entire term of employment of such employee with the City. The City shall have the sole and unfettered right to determine whether such employee has satisfactorily demonstrated substantially equivalent medical coverage, and any such employee seeking reimbursement from the City must, at least annually, provide written proof of such substantially equivalent medical coverage in a form satisfactory to the City. Payment shall be made bi-weekly through the regular payroll system.

M. UNIFORM ALLOWANCE. The position of Senior Center Leader shall receive a uniform allowance in the amount of \$50.00 per year.

N. BREAK PERIODS. Unless otherwise stated herein, the break periods for all at-will permanent part-time employees shall be as follows:

- MEAL BREAK. Employees working more than six (6) hours in a work day may take an unpaid meal period of thirty (30) minutes. This shall occur approximately mid-way between the employee's starting time and finishing time.
- REST BREAK. Employees working more than three and one-half (3.5) hours in a work day may take a paid rest break of fifteen (15) minutes for every four hours worked. Insofar as practical, the rest break should be in the middle of each four-hour work period.

SECTION 4. Benefits Applicable to Authorized At-Will Nonpermanent Part-Time Employees.

Unless otherwise stated herein, the benefits for all at-will nonpermanent part-time employees of the City of Irwindale, who are unaffiliated and/or unrepresented and unclassified, shall be as follows:

A. CITY MANAGER AUTHORIZATION. For unaffiliated and/or unrepresented unclassified at-will nonpermanent part-time positions, the City Manager may authorize the number of hires as long as the personnel costs do not exceed the budgeted amounts in approved funds.

B. SICK LEAVE. Unaffiliated and/or unrepresented unclassified at-will nonpermanent part-time employees shall be eligible for sick leave in accordance with the City's Personnel Rule 14.20. This includes sick leave accrual as follows:

1. Pursuant to Personnel Rules Section 14.20.07, nonpermanent part-time employees are eligible to accrue sick leave beginning with their first day of employment or July 1, 2015, whichever is later.
2. Nonpermanent part-time employees shall accrue one (1) hour of paid leave for every thirty (30) hours worked, not to exceed a maximum cap of 48 hours per calendar year. Sick leave does not accrue once the cap is reached, but will commence accruing again when accrued sick leave drops below the cap. Any unused accrued sick leave carries over year to year while continuously employed. Sick leave is provided at the nonpermanent part-time employee's base hourly wage rate.
3. Nonpermanent part-time employees are entitled to use accrued Sick Leave for any purpose described in Personnel Rules Section 14.20.1 beginning on the 90th day

of employment. Nonpermanent part-time employees are only permitted to use a maximum of three (3) days or twenty-four (24) hours, whichever is greater, of accrued sick leave per calendar year. Sick leave must be used in two (2) hour minimum increments.

4. Sick leave will not be considered hours worked for purposes of overtime calculation.
 5. Nonpermanent part-time employees are not entitled to sick leave buy-back and shall not receive any pay out or compensation for unused accrued sick leave upon termination, resignation, retirement or other separation from employment.
 6. If a nonpermanent part-time employee separates from City employment and is re-hired by the City within one (1) year of the date of separation, previously accrued and unused sick leave hours shall be reinstated.
 7. Nonpermanent part-time employees shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for sick leave use is foreseeable. If the need for sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- C. BILINGUAL BONUS PAY. Unaffiliated and/or unrepresented unclassified at-will nonpermanent part-time employees shall be paid bilingual pay at a rate of fifty cents (\$0.50) per hour upon passing a verbal bilingual exam. The employee may take a bilingual exam when hired or twice a year when the City offers bilingual exams. Bilingual bonus pay will be paid per pay period to those employees who prove proficient in Spanish and/or American Sign Language, and are required to use such languages during the course of City business. The City shall determine qualification requirements and the appropriate exam.
- D. ANNUAL SERVICE AWARD PAY. Unaffiliated and/or unrepresented unclassified at-will nonpermanent part-time employees shall be entitled on each qualifying employee's fifth (5th) consecutive employment year to "Annual Service Award" pay of ten dollars (\$10.00) for each year worked, which shall be paid in December of the qualifying year at the Annual Employee Service Award Reception. If there is no reception planned for the year, the service award will be paid in conjunction with the first paycheck in December of the qualifying year.
- E. DIRECT DEPOSIT REQUIREMENT. The City shall maintain a mandatory requirement for participation in payroll direct deposit for all employees hired after July 8, 2001.
- F. UNIFORM ALLOWANCE. The positions of Bus Driver, Recreation Aide and Senior Center Aide shall receive a uniform allowance in the amount of \$50.00 per year.
- E. BREAK PERIODS. Unless otherwise stated herein, the break periods for all at-will non permanent part-time employees shall be as follows:
- MEAL BREAK. Employees working more than six (6) hours in a work day may take an unpaid meal period of thirty (30) minutes. This shall occur approximately mid-way between the employee's starting time and finishing time.
 - REST BREAK. Employees working more than three and one-half (3.5) hours in a work day may take a paid rest break of fifteen (15) minutes for every four hours worked.

Insofar as practical, the rest break should be in the middle of each four-hour work period.

SECTION 5. Benefits Applicable to Authorized At-Will Temporary Part-Time Employees.

At-will temporary part-time employees of the City of Irwindale, who are unaffiliated and/or unrepresented and unclassified, are not entitled to any benefits. Other than the compensation provided for herein, temporary part-time employees are not provided any additional compensation, reimbursements, leaves, or incentives, except those mandated by state or federal law.

A. BREAK PERIODS. Unless otherwise stated herein, the break periods for all at-will temporary part-time employees shall be as follows:

- **MEAL BREAK.** Employees working more than six (6) hours in a work day may take an unpaid meal period of thirty (30) minutes. This shall occur approximately mid-way between the employee's starting time and finishing time.
- **REST BREAK.** Employees working more than three and one-half (3.5) hours in a work day may take a paid rest break of fifteen (15) minutes for every four hours worked. Insofar as practical, the rest break should be in the middle of each four-hour work period.

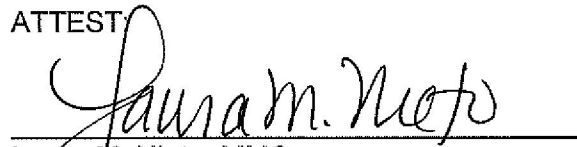
SECTION 6. Certification.

The Chief Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 12th day of January 2022.


Larry G. Burrola, Mayor

ATTEST


Laura M. Nieto, MMC
Chief Deputy City Clerk

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF IRWINDALE }

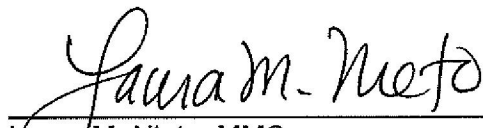
I, Laura Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2021-117-3239 was duly and regularly passed and adopted by the City Council of the City of Irwindale at its regular meeting held on the 12th day of January 2022, by the following vote:

AYES: Councilmembers: Ambriz, Breceda, Garcia, Mayor Burrola

NOES: Councilmembers: None

ABSENT: Councilmembers: Ortiz

ABSTAIN: Councilmembers: None



Laura M. Nieto, MMC
Chief Deputy City Clerk